

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:)	BANKRUPTCY CASE NUMBER: 09-01496-hb
)	
Rody M. Egister, Jr.)	CHAPTER 11
)	NOTICE OF APPLICATION AND
)	OPPORTUNITY FOR HEARING
<u>Debtors.</u>)	

To: All creditors and parties in Interest entitled to Notice under Federal Rule of Bankruptcy Procedure 4001(d)

NOTICE AND MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 4001(d)

The Debtors/trustee and U.S. Bank N.A., as successor by merger to The Leader Mortgage Company, hereby move the Court for an order approving the agreement between them which is described below and attached to this notice.

TAKE FURTHER NOTICE that any response, return and/or objection to the Application should be filed with the Clerk of the Bankruptcy Court and served on all parties in interest within Fourteen (14) days from service of motion/application and a copy simultaneously served upon all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this Application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **January 7, 2010** at 10:00 a.m. in the United States Bankruptcy Court, 1100 Laurel Street, Columbia SC 29201. No further notice of this hearing will be given.

TYPE: On November 25, 2009, U.S. Bank filed a Motion for Relief from Stay on its collateral described as **1101 Enclave Way, Columbia SC 29223**. The Debtors Objected to the Motion. The parties have agreed to resolve the matter by Settlement Order.

TEXT: The terms and agreement of the settlement are attached hereto, in the form of a proposed order.

PAYMENTS: Debtor shall continue to remit to the movant the regular post-petition monthly payments beginning January 1, 2010, and continue said payments thereafter pursuant to the loan documents attached to the Motion for Relief from Stay.

In addition to the payments set forth above, Debtor shall cure post-petition arrearage and pay attorney's fees and costs in the total amount of Eight Thousand Forty Eight and 78/100 (\$8,048.78) Dollars. This total amount consists of post-petition payments for the months of November, 2009 through December, 2009, in the amount of Seven Thousand Six and 12/100 (\$7,006.12) Dollars; late fees for the months of November, 2009 through December, 2009, in the amount of Two Hundred Seventy Two and 66/100 (\$272.66) Dollars; post-petition property inspection fees in the amount of Sixty and 00/100 (\$60.00) Dollars; post-petition NSF fees in the amount of Sixty and 00/100 (\$60.00) Dollars and attorney's fees and costs in the amount of Six Hundred Fifty and 00/100 (\$650.00) Dollars. The total amount shall be paid directly to the movant in six (6) consecutive monthly installments of One Thousand Three Hundred Forty One and 46/100 (\$1,341.46) Dollars each. Said monthly installment payments shall commence on January 1, 2010, and continue on the 1st day of each consecutive month thereafter until paid in full.

All payments should be paid directly to Movant at **U.S. Bank, N.A., its Successors and/or Assigns, 4801 Frederica Street, Owensboro, KY 42301**.

RESULT OF DEBTORS' BREACH: Should the Debtor fail to make the stipulation or regular payments described above within twenty (20) days from their due date upon an ex parte showing by affidavit of that default and a proposed order, the movant shall be entitled to relief from the stay so that it can proceed with its state court remedies against its security, including making demand for payment of the amount due and that F.R.B.P. 4001 (a)(3) is waived and is not applicable to any such Order ultimately lifting the stay as to its collateral, and that Movant may immediately enforce and implement such an Order Lifting Stay upon entry with the Court. ***This provision will be in effect for twenty-four (24) months from the date of this Order.*** The movant shall report to this court any funds received as a result of a lawful disposition of the real property in excess of its total indebtedness plus any other valid lien against the subject property. The claimant agrees to waive any claim arising under 11

U.S.C. §503(b) or §507(b) as a result of this order. The movant further agrees that any funds realized in excess of its debt will be paid to the trustee.

DESCRIPTION OF PROPERTY SUBJECT TO LIEN: 1101 Enclave Way, Columbia SC 29223

APPRAISED VALUE OF PROPERTY SUBJECT TO LIEN: \$600,000.00 (Debtor's Schedule A)

LIEN AMOUNT: \$265,095.59 as of November 25, 2009 (U.S. Bank).

MOVING PARTIES:

Elizabeth R. Polk
Scott Law Firm, P.A.
District ID # 7124
Attorney for U.S. Bank
Post Office Box 2065
Columbia, SC 29202
(803) 252-3340

Jane S. Ruschky
Attorney for Debtor
816 Elmwood Avenue
Columbia SC 29201
District ID #10004
(803) 933-0202

Any party objecting to the proposed agreement must do so in writing and in accordance with Local Rule 9014. All objections should be filed with the Clerk of Court, United States Bankruptcy Court, 1100 Laurel Street, Columbia, South Carolina, 29202, with a copy served on the moving parties at their address shown below. A copy of the Objection should also be served on the United States Trustee, 1835 Assembly Street, Ste 953, Columbia, South Carolina 29201. All Objections must be filed and served within fifteen (15) days of the date of this notice shown below. If no objection is received, the Court may enter an Order approving the proposed agreement in accordance with the terms recited herein. If an Objection is received, a hearing will be held on the Objection at a date and time to be scheduled by the Court.

/s/Elizabeth R. Polk
Elizabeth R. Polk
Scott Law Firm, P.A.
District ID # 7124
Attorney for U.S. Bank
Post Office Box 2065
Columbia, SC 29202
(803) 252-3340

DATED this the 21st day of December, 2009.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE:)	BANKRUPTCY CASE NUMBER: 09-01496-hb
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Rody M. Egister, Jr.)	CHAPTER 11
)	
)	AFFIDAVIT OF SERVICE
<u>Debtors.</u>)	

PERSONALLY appeared before me, Frank Dixon, who, first being duly sworn deposes and says:

That he is an employee of Scott Law Firm, P.A., attorneys for the Plaintiff U.S. Bank N.A., as successor by merger to The Leader Mortgage Company (U.S. Bank), and that on the 21st day of December, 2009, he served a copy of the attached **Notice of Motion Pursuant to 4001(d) and proposed Settlement Order** placing it in the United States Mail, pre-paid and addressed to:

United States Trustee (served via regular mail and electronic notification)
1835 Assembly Street Suite 953
Columbia SC 29201

Rody M. Egister, Jr.
PO Box 24551
Columbia SC 29224

Jane S. Ruschky, Esquire
816 Elmwood Avenue
Columbia SC 29201

Please find attached the List of Creditors Holding 20 Largest Unsecured Claims

/s/ Frank Dixon
Frank Dixon Paralegal to
Elizabeth R. Polk
Attorney for U.S. Bank
Post Office Box 2065
Columbia, SC 29202
(803)252-3340
District Court ID 7124

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court
District of South Carolina**

In re Rody M Egister, Jr

Debtor(s)

Case No. 09-01496

Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A B, a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
AMERICAN EXPRESS TRAVEL C/O BROCK & SCOTT, PLLC 3800 FERNADINA ROAD SUITE 110 Columbia, SC 29210	AMERICAN EXPRESS TRAVEL C/O BROCK & SCOTT, PLLC 3800 FERNADINA ROAD Columbia, SC 29210	Credit card purchases		24,000.00
CAROLINA FIRST / FIRST USA PO BOX 15153 Wilmington, DE 19886-5153	CAROLINA FIRST / FIRST USA PO BOX 15153 Wilmington, DE 19886-5153	Credit card purchases		6,632.00
CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	DEBTOR'S COMMERCIAL PROPERTY: 6209 N MAIN STREET: TO BE PAID IN PLAN		160,000.00 (149,000.00 secured)
CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	DEBTOR'S PROPERTY: 151 MEADOWLAKE DRIVE: ARREARS TO BE PAID IN PLAN (\$2,500), DEBTOR TO RESUME PAYMENT APRIL 2009		128,085.25 (120,000.00 secured)
CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	CAROLINA FIRST BANK PO BOX 100201 Columbia, SC 29202	DEBTOR'S RESIDENCE: 1101 ENCLAVE WAY: ARREARS TO BE PAID IN PLAN (\$1,500), DEBTOR TO RESUME PAYMENT APRIL 2009		81,733.71 (0.00 secured) (279,000.00 senior lien)

B4 (Official Form 4) (12/07) - Cont.

In re Rody M Egister, Jr

Debtor(s)

Case No 09-01496

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
HOME BUILDERS AND SUPPLY PO BOX 666 Orangeburg, SC 29116	HOME BUILDERS AND SUPPLY PO BOX 666 Orangeburg, SC 29116	Deficiency		12,000.00
LUTHI MORTGAGE 745 WADE HAMPTON BLVD Greenville, SC 29609	LUTHI MORTGAGE 745 WADE HAMPTON BLVD Greenville, SC 29609	DEBTOR'S RESIDENCE: 1101 ENCLAVE WAY: ARREARS TO BE PAID IN PLAN (\$2,500), DEBTOR TO RESUME PAYMENT APRIL 2009		50,000.00 (0.00 secured) (360,733.71 senior lien)
MOSS & ASSOCIATES, ATTORNEYS, P.A. 816 ELMWOOD AVENUE Columbia, SC 29201	MOSS & ASSOCIATES, ATTORNEYS, P.A. 816 ELMWOOD AVENUE Columbia, SC 29201	ATTORNEYS FEE		2,475.00
SEARS PO BOX 182149 Columbus, OH 43218	SEARS PO BOX 182149 Columbus, OH 43218	Credit card purchases		1,613.00
SOUTH CAROLINA COMMUNITY BANK 1545 SUMTER STREET Columbia, SC 29201	SOUTH CAROLINA COMMUNITY BANK 1545 SUMTER STREET Columbia, SC 29201	DEBTOR'S PROPERTY: 6216 N MAIN STREET: DEBTOR TO ABANDON INTEREST		175,000.00 (50,000.00 secured)
US BANK 1441 MAIN ST Columbia, SC 29201	US BANK 1441 MAIN ST Columbia, SC 29201	DEBTOR'S RESIDENCE: 1101 ENCLAVE WAY: ARREARS TO BE PAID IN PLAN (\$3,500), DEBTOR TO RESUME PAYMENT APRIL 2009		279,000.00 (0.00 secured)

B4 (Official Form 4) (12/07) - Cont.

In re Rody M Egister, Jr

Debtor(s)

Case No. 09-01496

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

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**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, **Rody M Egister, Jr**, the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief

Date June 25, 2009

Signature /s/ Rody M Egister, Jr
Rody M Egister, Jr
Debtor

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.